

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Art Unit:	2617
William J. Domino, et al.	Examiner:	Mehrpour, Naghmeh
Application No. 09/621,407	Confirmation No.	4082
Filing Date: July 21, 2000		

**For: SYSTEM AND APPARATUS FOR A DIRECT CONVERSION RECEIVER
AND TRANSMITTER**

MISCELLANEOUS COMMUNICATION

Mail Stop: Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Smith Frohwein Tempel
Greenlee Blaha LLC
Customer Number 35856

Sir:

This communication is further to a telephone call from Examiner Hong Le on August 21, 2008, in which the Examiner confirmed the status of the above-referenced patent application as being on appeal and that an Examiner's Answer had been mailed on August 18, 2008. The August 21, 2008, telephone call followed a previous call from the Examiner on August 15, 2008, in which the Examiner inquired with Applicants' undersigned attorney about the status of the application. This communication is to confirm the status, which the Examiner had appeared to suggest in the August 15th telephone call was unclear. In the August 21st telephone call, the Examiner ultimately acknowledged that the status was clear: the application was indeed on appeal, and an Examiner's Answer had been mailed on August 18, 2008.

Applicants had filed an Appeal Brief on August 27, 2007. An Office Action was mailed on November 30, 2007, referencing the filing date of the Appeal Brief as being the communication to which the Office Action was responsive, but reiterating in Office Action form the same grounds of rejection set forth in a previous Office Action. Applicants filed a response on January 31, 2008, requesting reinstatement of the appeal.

However, rather than the expected Examiner's Answer being issued at that point, an Advisory Action was mailed on March 24, 2008, stating that "[t]he reply filed 31 January 2008 fails to place this application in condition for allowance." In a subsequent telephone conference, Examiner Nagmeh Mehrpour acknowledged that the appeal should be reinstated as requested and confirmed that no response to the March 24, 2008, Advisory Action was necessary, i.e., that the Advisory Action was withdrawn.

No formal notice of withdrawal of the Advisory Action was received, but Applicants believed the status of the application at that point was that it was on appeal. Therefore, Applicants' undersigned attorney was surprised to receive the above-referenced telephone call from the Examiner on August 15, 2008, implying that the status was unclear.

Applicants now acknowledge the Examiner's Answer that was mailed shortly thereafter, on August 18, 2008, and the Examiner's verbal statement of the status of the application on August 21, 2008, as being on appeal before the Board of Patent Appeals and Interferences. In view of these events, it is now clear that the status of the March 24, 2008, Advisory Action is that it is moot and/or withdrawn.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefore (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No.: 50-3479.

Respectfully submitted,

SMITH FROHWEIN TEMPEL

GREENLEE BLAHA LLC

Customer No.: 35856

By: /Lawrence D. Maxwell/
Lawrence D. Maxwell, Reg. No. 35,276
(770) 709-0085